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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,398	07/26/2001	Ryoichi Inanami	04329.2612	5029

7590 12/29/2004

Finnegan, Henderson, Farabow,  
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1300 I Street, N.W.  
Washington, DC 20005-3315

EXAMINER
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HOGAN, MARY C

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,398	INANAMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mary C Hogan	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/26/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This application has been examined.
2. **Claims 1-11** have been examined and rejected.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinciarelli et al (U.S. Patent Number 6,110,213), herein referred to as **Vinciarelli** further in view of Hart et al (Hart et al, "Inter-Organization Computer Networks: Indications of Shifts in Interdependence", **ACM SIGOIS Bulletin , Proceedings of the conference on Office information systems**, Volume 11 Issue 2-3, March 1990), herein referred to as **Hart**.

6. As to **Claims 1, 6, 7, 10 and 11 Vinciarelli** teaches: a method for producing an electrical device upon receiving an order for the device by transferring information between a person who wishes to receive an order and a person who wishes to place an order through a network (**column 22, lines 15-16**), the method comprising: causing the person who wishes to place an order to input specifications by request of the person who wishes to place an order (**column 20, line 57-column 21, line 1, column 21, lines 56-61**); generating a plurality of designs of the electrical device, and obtaining at least two design parameters

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(column 21, lines 59-column 24, line 4); and presenting said at least two design parameters to the person who wishes to place an order for each of the circuit patterns and causing the person who wishes to place an order to select a circuit pattern satisfying a desired condition (column 21, lines 59-column 24, line 4, column 32, lines 1-3), a library which is configured to store a plurality of components that can be used for the implementation of the specified design (column 24, lines 47-55), a recording medium, program code and instruction means (column 21, lines 8-33).

7. As to **Claims 2, 3, 8 and 9**, **Vinciarelli** teaches: a cost and a delivery time period for each design are calculated in addition to the design parameters, and the cost and the delivery time period are presented to the person who wishes to place an order in addition to the design parameters (column 21, lines 37-38, column 31, lines 63-67) wherein the cost and delivery time includes a cost and production time period needed to produce a new design (column 24, lines 60-63 wherein a "custom design" is a new design).

8. As to **Claims 4 and 5**, **Vinciarelli** teaches requesting a device maker to generate the selected design through the network after the design is ordered by the person who wishes to place an order (column 32, lines 44-50, column 33, lines 62-64, column 34, lines 27-33).

9. **Vinciarelli** does not expressly teach that the electrical device ordered and produced by this method is a semiconductor device.

10. **Hart** teaches inter-organization networks that are used to exchange information between firms involved in the design and manufacturing activities in the semiconductor industry that have adopted computer networks to facilitate the exchange of information (**Introduction, paragraph 1**). **Hart** teaches that the customer can develop a circuit design through tools that specify design parameters and send this information to the producer (**section 4, paragraph 1, Figure 1, part 1, and section 5, paragraph 2**). The producer then transmits the design information applying special technical specifications supplied by the customer to the photomask shop to produce the mask by a photolithography technique that employs electron beam technology (**section 4, paragraph 2 and Figure 1, part 2, section 6.1, paragraph 1**). The customer can also check the status of their order on-line (**section 6.2, last paragraph**).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the ordering and producing technique for an electronic device as taught in **Vinciarelli** could be adapted and used to order a semiconductor device since **Hart** teaches that the design and parameters for a semiconductor device design can be transmitted over a computer network by the customer ordering the device to the manufacturer of the device. Further, if this method were used to order and produce a semiconductor device, the cost and delivery time would include the production time required for producing an aperture necessary for the manufacture of the semiconductor device.

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12. As to the limitations in Claims 1-11 that recite "charged-particle beam exposure" and "character projection method" official notice is taken that there are various methods known in the art to produce and semiconductor device and that charged-particle beam exposure and character projection method are examples of such methods that are known in the art.

***Conclusion***

13. The prior art made of record, See PTO-892 and not relied upon is considered pertinent to applicant's disclosure, careful consideration must be given prior to Applicant's response to this Office Action.

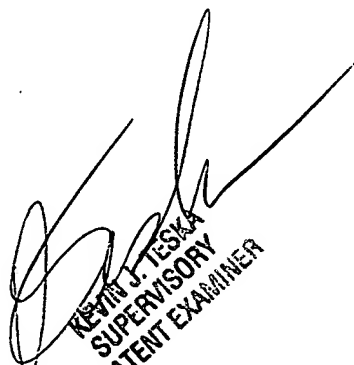
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary C Hogan whose telephone number is 571-272-3712. The examiner can normally be reached on 7:30AM-5PM Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 571-272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary C Hogan

Examiner

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KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER